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2  
3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 \* \* \*

6 Jeffery Scott Eatherly,

Case No. 3:25-cv-00033-ART-CLB

7 Petitioner,

Order Dismissing Petition

8 v.

9 James Dzurenda, *et al.*,

10 Respondents.  
11

12 Jeffery Scott Eatherly has submitted what he has styled as a *pro se*  
13 petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. (ECF No. 1-1.)  
14 He has not filed an application to proceed *in forma pauperis* or paid the \$5.00  
15 filing fee. 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2. This action therefore is  
16 subject to dismissal without prejudice as improperly commenced.


17 The Court also notes that Petitioner did not use the Court-required form  
18 for a 28 U.S.C. § 2254 habeas petition nor does his filing substantially follow  
19 the form. Most of the 16-page petition recites caselaw and federal and state  
20 statutes, but it is unclear what claim or claims Petitioner seeks to bring. He  
21 says that the state court lacked subject matter jurisdiction over his state  
22 criminal case, but he does not elaborate or include any factual allegations  
23 whatsoever.

24 Accordingly, the Court dismisses this action without prejudice. If  
25 Petitioner wants to pursue habeas relief in this court, he must file a new  
26 petition on the Court's form in a new case with a new case number. He must  
27 also include either a fully completed *ifp* application or the \$5.00 filing fee.  
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1 It is therefore ordered that this action is **DISMISSED** without prejudice  
2 as improperly commenced.

3 The Clerk of Court is directed to enter judgment accordingly and close  
4 this case.

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6 DATED: 27 February 2025.

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ANNE R. TRAUM  
UNITED STATES DISTRICT JUDGE  
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